

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

JAMES WILLIAMS, IV,

Plaintiff, :

v.

Case No. 2:22-cv-4205
Judge Sarah D. Morrison
Magistrate Judge Chelsey M.
Vascura

SHERIFF, GREENE COUNTY
ADULT DETENTION CENTER, :

Defendant.

ORDER

This matter is before the Court on the December 14, 2022 Report and Recommendation issued by the Magistrate Judge. (ECF No. 3.) The Magistrate Judge performed a preliminary review of the Petition pursuant to Rule 4 of the Rules Governing § 2254 Cases in the United States District Court (“Habeas Rules”). The Magistrate Judge recommended that the Court dismiss the Complaint because the conditions for *Younger* abstention are present, no relevant exceptions apply, and the Petitioner has not exhausted his state-court remedies. (*Id.* PAGEID # 14–19.) The Magistrate Judge also recommended that the Court deny certification of appealability pursuant to Rule 11 of the Habeas Rules. (*Id.* PAGEID # 19–20.) Finally, the Magistrate recommended that the court certify that any appeal of this order would not be taken in good faith, and on that basis deny Petitioner leave to proceed *in forma pauperis* on appeal. (*Id.* PAGEID # 21.) The time for filing objections has passed, and no objections have been filed.

For the reasons set forth therein, the Court **ADOPTS** and **AFFIRMS** the Report and Recommendation (ECF No. 3) the Petition is **DISMISSED** without prejudice to refile (with respect to the speedy trial and reasonable bond issues) after state court remedies are exhausted. The Court **DENIES** a certificate of appealability pursuant to Rule 11 of the of the Habeas Rules for the reasons put forth by the Magistrate Judge and also because Petitioner has waived the right to appeal by failing to file objections. *See, e.g., Pfahler v. Nat'l Latex Prod. Co.*, 517 F.3d 816, 829 (6th Cir. 2007) (“[F]ailure to object to the magistrate judge’s recommendations constituted a waiver of [the] ability to appeal the district court’s ruling.”).

IT IS SO ORDERED.

/s/ Sarah D. Morrison
SARAH D. MORRISON
UNITED STATES DISTRICT JUDGE